
UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Chester C. Graham

Plaintiff(s),

vs.

Case No. 18cv727 JNE/TNL
(To be assigned by Clerk of District Court)

Medguard Alert, Inc. d/a/b Medical Alert
Systems

and

David G. Roman

and

Craig Cleasby

DEMAND FOR JURY
TRIAL

YES X NO ____

Defendant(s).

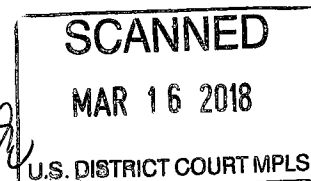
COMPLAINT

PARTIES

1. List your name, address and telephone number. Do the same for any additional plaintiffs.

a. Plaintiff

Name	Chester C. Graham
Street Address	408 Spring Street North, Apt. #210
County, City	County of Rice; City of Northfield
State & Zip Code	Minnesota 55057-1581



Telephone Number (507) 403-9014

2. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption.

a. Defendant No. 1

Name Medguard Alert, Inc. d/b/a Medguard Alert Systems
Street Address 1125 Middle Street
County, City County of Middlesex, City of Middleton
State & Zip Code Connecticut 06457-1526

b. Defendant No. 2

Name David G. Roman
Street Address 14 Pine Orchard Lane
County, City County of Middlesex, City of Middleton
State & Zip Code Connecticut 06419-1150

c. Defendant No. 3

Name Craig Cleasby
Street Address 27 Timber Trail South
County, City County of Hartford, City of Windsor
State & Zip Code Connecticut 06074

NOTE: IF THERE ARE ADDITIONAL PLAINTIFFS OR DEFENDANTS, PLEASE PROVIDE THEIR NAMES AND ADDRESSES ON A SEPARATE SHEET OF PAPER.

Check here if additional sheets of paper are attached: ☐

Please label the attached sheets of paper to correspond to the appropriate numbered paragraph above (e.g., Additional Defendants 2.d., 2.e., etc.)

JURISDICTION

Federal courts are courts of limited jurisdiction. Generally, two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount of damages is more than \$75,000 is a diversity of citizenship case.

3. What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal Question

☐ Diversity of Citizenship

4. If the basis for jurisdiction is Federal Question, which Federal Constitutional, statutory or treaty right is at issue? List all that apply.

Telephone Consumer Protection act (TCPA)
47 U.S.C. § 227

5. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party? Each Plaintiff must be diverse from each Defendant for diversity jurisdiction.

Plaintiff Name:

State of Citizenship:

Defendant No. 1:

State of Citizenship:

Defendant No. 2:

State of Citizenship:

Attach additional sheets of paper as necessary and label this information as paragraph 5.

Check here if additional sheets of paper are attached.

6. What is the basis for venue in the District of Minnesota? *(check all that apply)*

☐ Defendant(s) reside in Minnesota

☒ Facts alleged below primarily occurred in Minnesota

☐ Other: explain

STATEMENT OF THE CLAIM

Describe in the space provided below the basic facts of your claim. The description of facts should include a specific explanation of how, where, and when each of the defendants named in the caption violated the law, and how you were harmed. Each paragraph must be numbered separately, beginning with number 7. Please write each single set of circumstances in a separately numbered paragraph.

7. Defendants placed a telephone call to Plaintiff's cellular telephone using an automatic telephone dialing system (ATDS) and or an artificial and/or recorded voice attempting to sell a device worn on the wrist to plug into a phone line with a button to press summoning help in case of an emergency. Plaintiff had no prior established business relationship with Defendants; Plaintiff had not given Defendants prior express consent to call Plaintiff's cellular telephone using an ATDS and an artificial and/or recorded voice. Defendants also caused a "spoof" number to show on the Caller ID feature of Plaintiff's cellular telephone and the call did identify the caller or give the caller's telephone number at the beginning of the call.

Attach additional sheets of paper as necessary.

Check here if additional sheets of paper are attached: ☐

Please label the attached sheets of paper to as Additional Facts and continue to number the paragraphs consecutively.

REQUEST FOR RELIEF

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking.

Plaintiff is seeking injunctive relief to prevent further violations and statutory damages in the amount of \$500.00 for each of 7 violations which may be trebled if the Court finds the violations were willful and knowing for a total of \$10,500.00.

Date: *March 11, 2018*

Signature of Plaintiff *Walter C. Graham*

Mailing Address 408 Spring Street North #210
Northfield MN 55057-1581

Telephone Number (507) 403-9014

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide his/her mailing address and telephone number. Attach additional sheets of paper as necessary.